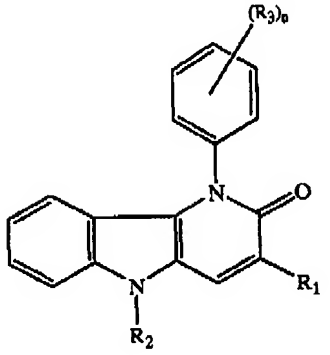
Listing of Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A compound of formula (I)



(I)

~~its *N*-oxide, salt~~ or its pharmaceutically acceptable salts, ~~stereoisomeric~~ form~~, racemic mixture, prodrug, ester or metabolite,~~ wherein

n is 1, 2 or 3;

R_1 is hydrogen, cyano, halo, aminocarbonyl, hydroxycarbonyl, C_{1-4}alkyloxycarbonyl, C_{1-4}alkylcarbonyl, mono- or di(C_{1-4}alkyl)aminocarbonyl, arylaminocarbonyl, *N*-(aryl)-*N*-(C_{1-4}alkyl)aminocarbonyl, methanimidamidyl, *N*-hydroxy-methanimidamidyl, or mono- or di(C_{1-4}alkyl)methanimidamidyl, or Het_1 ~~or Het_2~~;

R_2 is hydrogen, C_{1-10}alkyl, C_{2-10}alkenyl, C_{3-7}cycloalkyl, wherein said C_{1-10}alkyl, C_{2-10}alkenyl and C_{3-7}cycloalkyl, each individually and independently, may be optionally substituted with a substituent selected from the group consisting of cyano, $NR_{4a}R_{4b}$, pyrrolidinyl, piperidinyl, homopiperidinyl, piperazinyl, 4-(C_{1-4}alkyl)-piperazinyl, morpholinyl, thiomorpholinyl, 1-oxothiomorpholinyl, 1,1-dioxo-thiomorpholinyl, aryl, furanyl, thienyl, pyrrolyl, oxazolyl, thiazolyl, imidazolyl, isoxazolyl, isothiazolyl, pyrazolyl, oxadiazolyl, thiadiazolyl, triazolyl, tetrazolyl, pyridyl, pyrimidinyl, pyrazinyl, pyridazinyl, triazinyl, hydroxycarbonyl, C_{1-4}alkylcarbonyl, $N(R_{4a}R_{4b})$carbonyl, C_{1-4}alkyloxycarbonyl, pyrrolidin-1-ylcarbonyl, piperidin-1-ylcarbonyl, homopiperidin-1-ylcarbonyl, piperazin-1-ylcarbonyl, 4-(C_{1-4}alkyl)-piperazin-1-ylcarbonyl, morpholin-1-ylcarbonyl, thiomorpholin-1-ylcarbonyl, 1-oxothiomorpholin-1-ylcarbonyl and 1,1-dioxo-thiomorpholin-1-ylcarbonyl;

R_3 is nitro, cyano, amino, halo, hydroxy, C_{1-4}alkyloxy, hydroxycarbonyl, aminocarbonyl, C_{1-4}alkyloxycarbonyl, mono- or di(C_{1-4}alkyl)aminocarbonyl, C_{1-4}alkylcarbonyl, methanimidamidyl, mono- or di(C_{1-4}alkyl)methanimidamidyl, *N*-hydroxy-methanimidamidyl or Het_1;

R_{4a} is hydrogen, C_{1-4}alkyl or C_{1-4}alkyl substituted with a substituent selected from the group consisting of amino, mono- or di(C_{1-4}alkyl)amino, pyrrolidinyl, piperidinyl, homopiperidinyl, piperazinyl, 4-(C_{1-4}alkyl)-piperazinyl, morpholinyl, thiomorpholinyl, 1-oxothiomorpholinyl and 1,1-dioxo-thiomorpholinyl;

R_{4b} is hydrogen, C_{1-4}alkyl or C_{1-4}alkyl substituted with a substituent selected from the group consisting of amino, mono- or di(C_{1-4}alkyl)amino, pyrrolidinyl, piperidinyl, homopiperidinyl, piperazinyl, 4-(C_{1-4}alkyl)-piperazinyl, morpholinyl, thiomorpholinyl, 1-oxothiomorpholinyl and 1,1-dioxo-thiomorpholinyl;

aryl is phenyl optionally substituted with one or more substituents each individually selected from the group consisting of C_{1-6}alkyl, C_{1-4}alkoxy, halo, hydroxy, amino, trifluoromethyl, cyano, nitro, hydroxyC_{1-6}alkyl, cyanoC_{1-6}alkyl, mono- or di(C_{1-4}alkyl)amino, aminoC_{1-4}alkyl, mono- or di(C_{1-4}alkyl)aminoC_{1-4}alkyl;

Het_1 is a 5-membered ring system wherein one, two, three or four ring members are heteroatoms each individually and independently selected from the group consisting of nitrogen, oxygen and sulfur, and wherein the remaining ring members are carbon atoms; and, where possible, any nitrogen ring member may optionally be substituted with C_{1-4}alkyl; any ring carbon atom may, each individually and independently, optionally be substituted with a substituent selected from the group consisting of C_{1-4}alkyl, C_{2-6}alkenyl, C_{3-7}cycloalkyl, hydroxy, C_{1-4}alkoxy, halo, amino, cyano, trifluoromethyl, hydroxyC_{1-4}alkyl, cyanoC_{1-4}alkyl, mono- or di(C_{1-4}alkyl)amino, aminoC_{1-4}alkyl, mono- or di(C_{1-4}alkyl)aminoC_{1-4}alkyl, arylC_{1-4}alkyl, aminoC_{2-6}alkenyl, mono- or di(C_{1-4}alkyl)aminoC_{2-6}alkenyl, furanyl, thienyl, pyrrolyl, oxazolyl, thiazolyl, imidazolyl, isoxazolyl, isothiazolyl, pyrazolyl, oxadiazolyl, thiadiazolyl, triazolyl, tetrazolyl, aryl, hydroxycarbonyl, aminocarbonyl, C_{1-4}alkyloxycarbonyl, mono- or di(C_{1-4}alkyl)aminocarbonyl, C_{1-4}alkylcarbonyl, oxo, thio; and wherein any of the foregoing furanyl, thienyl, pyrrolyl, oxazolyl, thiazolyl, imidazolyl, isoxazolyl, isothiazolyl, pyrazolyl, oxadiazolyl, thiadiazolyl and triazolyl moieties may optionally be substituted with C_{1-4}alkyl;

~~Het_2 is pyridyl, pyrimidinyl, pyrazinyl, pyridazinyl or triazinyl, wherein any ring carbon atom of each of said 6-membered nitrogen containing aromatic rings may optionally be substituted with a substituent selected from the group consisting of C_{1-4}alkyl;~~

provided that the compound of formula (I) is different from
2,5-dihydro-1-(4-nitrophenyl)-2-oxo-1H-pyrido[3,2-b]indole-3-carbonitrile, and
2,5-dihydro-5-methyl-1-(4-nitrophenyl)-2-oxo-1H-pyrido[3,2-b]indole-3-carbonitrile.

2. (Original) A compound according to claim 1 wherein n is 1, R_3 is nitro, R_1 is cyano, C_{1-4}alkyloxycarbonyl or C_{1-4}alkylaminocarbonyl; and R_2 is hydrogen or C_{1-6}alkyl.

3. (previously presented) A compound according to claim 1 wherein
n is 1 or 2;
R_3 is nitro, cyano, amino, halo, hydroxy, C_{1-4}alkyloxy, hydroxycarbonyl, aminocarbonyl, aminothiocarbonyl, C_{1-4}alkyloxycarbonyl, C_{1-4}alkylcarbonyl, mono- or di(C_{1-4}alkyl)methanimidamidyl, *N*-hydroxy-methanimidamidyl or Het_1.

4. (currently amended) A compound according to claim 1 wherein
R_1 is hydrogen, cyano, halo, aminocarbonyl, hydroxycarbonyl, C_{1-4}alkyloxycarbonyl, arylaminocarbonyl, *N*-hydroxy-methanimidamidyl, mono- or di(C_{1-4}alkyl)methanimidamidyl, or Het_1 ~~or Het_2~~; and
aryl is phenyl optionally substituted with one or more substituents each individually selected from the group consisting of C_{1-6}alkyl, C_{1-4}alkoxy, cyano, nitro; and
Het_1 is a 5-membered ring system wherein one, two, three or four ring members are heteroatoms each individually and independently selected from the group consisting of nitrogen, oxygen and sulfur, and wherein the remaining ring members are carbon atoms; and, where possible, any nitrogen ring member may optionally be substituted with C_{1-4}alkyl; any ring carbon atom may, each individually and independently, optionally be substituted with a substituent selected from the group consisting of C_{1-4}alkyl, C_{3-7}cycloalkyl, halo, cyano, trifluoromethyl, cyanoC_{1-4}alkyl, mono- or di(C_{1-4}alkyl)amino, mono- or di(C_{1-4}alkyl)aminoC_{2-6}alkenyl, isoxazolyl, aryl, hydroxycarbonyl, C_{1-4}alkyloxycarbonyl, oxo, thio; and wherein the foregoing isoxazolyl may optionally be substituted with C_{1-4}alkyl~~; and Het_2 is pyridyl~~.

5. (Previously presented) A compound according to claim 1 wherein
R_2 is hydrogen, C_{1-10}alkyl, C_{2-10}alkenyl, C_{3-7}cycloalkyl or C_{1-10}alkyl substituted with substituent selected from the group consisting of cyano, $NR_{4a}R_{4b}$, pyrrolidinyl, piperidinyl, 4-(C_{1-4}alkyl)-piperazinyl, morpholinyl, aryl, imidazolyl, pyridyl, hydroxycarbonyl, $N(R_{4a}R_{4b})$carbonyl, C_{1-4}alkyloxycarbonyl or 4-(C_{1-4}alkyl)-piperazin-1-ylcarbonyl; and
R_{4a} is C_{1-4}alkyl; and
R_{4b} is C_{1-4}alkyl or C_{1-4}alkyl substituted morpholinyl.

6. (currently amended) A compound according to claim 1 wherein
R_2 is hydrogen, C_{1-10}alkyl, C_{2-10}alkenyl, C_{3-7}cycloalkyl or C_{1-10}alkyl substituted with substituent selected from the group consisting of cyano, $NR_{4a}R_{4b}$, pyrrolidinyl, piperidinyl, 4-(C_{1-4}alkyl)-piperazinyl, morpholinyl, aryl, imidazolyl, pyridyl, hydroxycarbonyl, $N(R_{4a}R_{4b})$carbonyl, C_{1-4}alkyloxycarbonyl or 4-(C_{1-4}alkyl)-piperazin-1-ylcarbonyl; and
aryl is phenyl optionally substituted with one or more substituents each individually selected from the group consisting of C_{1-6}alkyl, C_{1-4}alkoxy, cyano, and nitro.

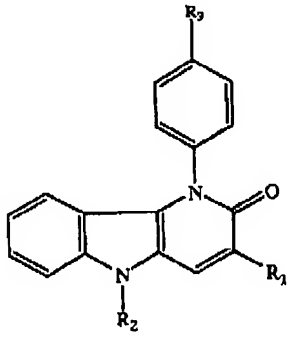
7. (currently amended) A compound according to claim 1 wherein
R_2 is hydrogen, C_{1-10}alkyl, C_{2-10}alkenyl, C_{3-7}cycloalkyl or C_{1-10}alkyl substituted with substituent selected from the group consisting of cyano, $NR_{4a}R_{4b}$, pyrrolidinyl, piperidinyl, 4-(C_{1-4}alkyl)-piperazinyl, morpholinyl, aryl, imidazolyl, pyridyl, hydroxycarbonyl, $N(R_{4a}R_{4b})$carbonyl, C_{1-4}alkyloxycarbonyl or 4-(C_{1-4}alkyl)-piperazin-1-ylcarbonyl; and
aryl is phenyl optionally substituted with one or more substituents each individually selected from the group consisting of C_{1-6}alkyl, C_{1-4}alkoxy, cyano, and nitro; and
R_{4a} is C_{1-4}alkyl; and
R_{4b} is C_{1-4}alkyl or C_{1-4}alkyl substituted morpholinyl.

8. (Previously presented) A compound according to claim 1 wherein
R_3 is nitro, cyano, amino, halo, hydroxy, C_{1-4}alkyloxy, hydroxycarbonyl, aminocarbonyl, aminothiocarbonyl, C_{1-4}alkyloxycarbonyl, C_{1-4}alkylcarbonyl, mono- or di(C_{1-4}alkyl)methanimidamidyl, *N*-hydroxy-methanimidamidyl or Het_1; and
Het_1 is a 5-membered ring system wherein one, two, three or four ring members are heteroatoms each individually and independently selected from the group consisting of nitrogen, oxygen and sulfur, and wherein the remaining ring members are carbon atoms; and, where possible, any nitrogen ring member may optionally be substituted with C_{1-4}alkyl;

any ring carbon atom may, each individually and independently, optionally be substituted with a substituent selected from the group consisting of C_{1-4}alkyl, C_{3-7}cycloalkyl, halo, cyano, trifluoromethyl, cyanoC_{1-4}alkyl, mono- or di(C_{1-4}alkyl)amino, mono- or di(C_{1-4}alkyl)aminoC_{2-6}alkenyl, isoxazolyl, aryl, hydroxycarbonyl, C_{1-4}alkyloxycarbonyl, oxo, thio; and wherein the foregoing isoxazolyl may optionally be substituted with C_{1-4}alkyl.

9. (currently amended) A compound according to claim 1 wherein
n is 1 ~~or 2, more in particular wherein n is 1~~; and
R_1 is hydrogen, cyano, halo, aminocarbonyl, hydroxycarbonyl, C_{1-4}alkyloxycarbonyl, arylaminocarbonyl, *N*-hydroxy-methanimidamidyl, mono- or di(C_{1-4}alkyl)methanimidamidyl or, Het_1 ~~or Het_2~~; and
R_2 is hydrogen, C_{1-10}alkyl, C_{2-10}alkenyl, C_{3-7}cycloalkyl or C_{1-10}alkyl substituted with substituent selected from the group consisting of cyano, $NR_{4a}R_{4b}$, pyrrolidinyl, piperidinyl, 4-(C_{1-4}alkyl)-piperazinyl, morpholinyl, aryl, imidazolyl, pyridyl, hydroxycarbonyl, $N(R_{4a}R_{4b})$carbonyl, C_{1-4}alkyloxycarbonyl or 4-(C_{1-4}alkyl)-piperazin-1-ylcarbonyl; and
R_3 is nitro, cyano, amino, halo, hydroxy, C_{1-4}alkyloxy, hydroxycarbonyl, aminocarbonyl, aminothiocarbonyl, C_{1-4}alkyloxycarbonyl, C_{1-4}alkylcarbonyl, mono- or di(C_{1-4}alkyl)methanimidamidyl, *N*-hydroxy-methanimidamidyl or Het_1.

10. (Previously presented) A compound according to claim 1 wherein the compound has the formula (II)



(II)

11. (Previously presented) A compound according to claim 1 wherein R_3 is nitro.

12. (Previously presented) A compound according to claim 1 wherein R_1 is cyano.

13. (Previously presented) A compound according to claim 1 wherein R_1 is C_{1-4}alkyloxycarbonyl or C_{1-4}alkylaminocarbonyl.

14. (Previously presented) A compound according to claim 1 wherein R_2 is C_{2-6}alkyl.

15. (currently amended) A compound according to claim 1 wherein ~~the compound is~~

n is 1,

R_1 is cyano, halo or oxadiazolyl optionally substituted with a substituent selected from the group consisting of C_{1-4}alkyl, C_{2-6}alkenyl, C_{3-7}cycloalkyl, hydroxy, C_{1-4}alkoxy, amino, cyano, trifluoromethyl, hydroxyC_{1-4}alkyl, cyanoC_{1-4}alkyl, mono- or di(C_{1-4}alkyl)amino, aminoC_{1-4}alkyl, mono- or di(C_{1-4}alkyl)aminoC_{1-4}alkyl, arylC_{1-4}alkyl, aminoC_{2-6}alkenyl, mono- or di(C_{1-4}alkyl)aminoC_{2-6}alkenyl, furanyl, thienyl, pyrrolyl, oxazolyl, thiazolyl, imidazolyl, isoxazolyl, isothiazolyl, pyrazolyl, oxadiazolyl, thiadiazolyl, triazolyl, tetrazolyl, aryl, hydroxycarbonyl, aminocarbonyl, C_{1-4}alkyloxycarbonyl, mono- or di(C_{1-4}alkyl)aminocarbonyl, C_{1-4}alkylcarbonyl, oxo, thio; and wherein any of the foregoing furanyl, thienyl, pyrrolyl, oxazolyl, thiazolyl, imidazolyl, isoxazolyl, isothiazolyl, pyrazolyl, oxadiazolyl, thiadiazolyl and triazolyl moieties may optionally be substituted with C_{1-4}alkyl;

R_2 is C_{1-6}alkyl, hydrogen, or C_{2-6}alkenyl~~,~~ ; and

R_3 is nitro, C_{1-6}alkyl optionally substituted with piperidinyl, pyrrolidinyl, $N(R_{4a}R_{4b})$, morpholinyl, pyridyl, cyano, or 4-(C_{1-4}alkyl)-piperazin-1-yl.

16. (currently amended) A compound according to claim 1 wherein the compound is

~~1-(4-Nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;~~

~~5-Methyl-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;~~

5-Isobutyl-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-Allyl-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-Butyl-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-Ethyl-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-(2-Morpholin-4-yl-ethyl)-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-Methyl-1-(4-nitro-phenyl)-1,5-dihydro-pyrido[3,2-b]indol-2-one;

5-But-3-enyl-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

1-(4-Nitro-phenyl)-2-oxo-5-(2-pyrrolidin-1-yl-ethyl)-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

1-(4-Nitro-phenyl)-2-oxo-5-(2-piperidin-1-yl-ethyl)-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-(3-Dimethylamino-propyl)-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]-indole-3-carbonitrile;

3-Bromo-5-methyl-1-(4-nitro-phenyl)-1,5-dihydro-pyrido[3,2-b]indol-2-one

5-Methyl-1-(3-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

1-(4-Nitro-phenyl)-2-oxo-5-(3-piperidin-1-yl-propyl)-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-(4-Morpholin-4-yl-butyl)-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

1-(4-Nitro-phenyl)-2-oxo-5-(4-pyrrolidin-1-yl-butyl)-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-[3-(4-Methyl-piperazin-1-yl)-propyl]-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-Cyanomethyl-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-(3-Morpholin-4-yl-propyl)-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]-indole-3-carbonitrile;

1-(4-Nitro-phenyl)-2-oxo-5-(4-piperidin-1-yl-butyl)-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

5-(4-Dimethylamino-butyl)-1-(4-nitro-phenyl)-2-oxo-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

1-(4-Nitro-phenyl)-2-oxo-5-pyridin-4-ylmethyl-2,5-dihydro-1H-pyrido[3,2-b]indole-3-carbonitrile;

3-(5-tert-Butyl-[1,2,4]oxadiazol-3-yl)-5-methyl-1-(4-nitro-phenyl)-1,5-dihydro-pyrido[3,2-b]indol-2-one;

5-Methyl-1-(4-nitro-phenyl)-3-(5-trifluoromethyl-[1,2,4]oxadiazol-3-yl)-1,5-dihydro-pyrido[3,2-b]indol-2-one; or ~~an N-oxide,~~ salt ~~or stereoisomer~~ thereof.

17- 25. (Cancelled)

26. (Previously presented) A pharmaceutical composition, comprising an effective amount of at least one compound of formula (I) as defined in claim 1 and a pharmaceutically tolerable excipient.

27. (Cancelled)